

in the art of stenography and capable of reporting the oral proceedings in court, verbatim.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 4, 1911.

## CHAPTER 41

### AN ACT

TO PROVIDE FOR THE ESTABLISHMENT, BUILDING AND EQUIPPING OF THE IDAHO STATE SANITARIUM FOR THE CARE, PROTECTION, TREATMENT AND EDUCATION OF FEEBLE-MINDED AND EPILEPTIC PERSONS; AND THE ADMISSION, SUPPORT, TRANSFER AND DISCHARGE OF ITS INMATES; AND TO PROVIDE FOR THE ISSUANCE, SALE AND REDEMPTION OF BONDS, TO RECEIVE MONEY FOR BUILDING AND EQUIPPING OF SAID SANITARIUM; TO PROVIDE FOR A BOARD OF DIRECTORS, WHO SHALL PURCHASE LANDS, MANAGE AND CONTROL SAID SANITARIUM, AND TO APPROPRIATE FUNDS FOR THE MINTENANCE THEREOF; AND TO AUTHORIZE THE EMPLOYMENT OF THE PRISONERS AT THE STATE PRISON IN FURNISHING LABOR AND MATERIAL THEREFOR.

*Be It Enacted By the Legislature of the State of Idaho:*

SECTION 1. That a school for feeble-minded and epileptic persons, to be known as "The Idaho State Sanitarium", is hereby authorized to be located and established, in the manner hereinafter provided, at some point or place within twenty (20) miles of the State Capital.

For the purpose of locating said Sanitarium and for acquiring title to land suitable for the purposes of said institution, there is hereby created a Commission to be known as "The Idaho State Sanitarium Commission", to be composed of five (5) members, four (4) of whom shall be appointed by the Governor within thirty (30) days after the taking effect of this Act. The Governor shall be ex-officio member and chairman of said Commission. The members of said Commission, excepting the Governor, shall take the oath prescribed by law.

As soon as practicable, and not more than sixty (60) days after the appointment of said Commission, said Commission shall proceed to investigate the different locations and sites

proposed, suggested or offered, and to investigate and consider any and all proposals and inducements which may be made by way of donations to the State of moneys, lands or building sites for the purpose of said institution, or to assist in defraying the cost of establishing or maintaining the same, and shall decide upon the location for said Sanitarium. A majority of said Commission shall decide, and its decision shall be final. Said Commission shall have power to purchase for the State lands as a site for said Sanitarium, and to enter into contracts on behalf of the State, with individuals or municipalities, in relation to the location of said Sanitarium, and to accept, in the name of the State, conveyances of land, and donations of money, or land or other property made to the State to aid in the construction of or for the benefit of said Sanitarium, to secure the location and establishment thereof; *Provided:* No members of said Commission shall participate in any proceedings in which he or she has personal or pecuniary interests. When the location shall have been decided upon, the decision of the Commission shall be certified to the Secretary of State, and the location thus selected and certified shall be and become the place where such Sanitarium shall be established and maintained.

SEC. 2. And said Commission shall be allowed from the funds belonging to said Sanitarium sufficient moneys to pay their necessary expenses while in the discharge of their duties.

SEC. 3. That for the purpose of purchasing lands, erecting and equipping a suitable building or buildings for The Idaho State Sanitarium, a loan of Twenty Five Thousand Dollars (\$25,000) is hereby authorized, to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho; and the State Treasurer is hereby authorized, empowered and directed, immediately upon the passage of this Act, to issue twenty-five (25) bonds of the State of Idaho, to be known as "The Idaho State Sanitarium Building Bonds", in the sum of One Thousand Dollars (\$1,000) each, payable in Twenty (20) years from date of their issuance, to bear interest at a rate not to exceed four (4) per centum per annum, payable semi-annually on the first day of April and October of each year at a bank in the City of New York to be selected by the State Treasurer; said bonds, however, to be redeemable, at the option of the State of Idaho, at any time after the expiration of Ten (10) years from the date of their issuance; said bonds shall be plainly numbered from One (1) to Twenty-five (25), consecutively.



SEC. 4. That the State Treasurer is hereby authorized, empowered and directed to cause to be printed or lithographed suitable bonds in proper form, with coupons attached, for the purpose of this Act. All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State, and shall be countersigned by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 5. That at the time of the issuing of said bonds under the provisions of this Act, the State Auditor shall sign them with his own proper name, affixing his official character, and shall in like manner sign the coupons thereto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered one (1) to forty (40), each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a record of all bonds issued by him, showing the date of issuance, and shall deliver said bonds with the coupons attached as aforesaid, to the purchaser or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds shall be by said Treasurer placed in a certain fund to be known as "The Idaho State Sanitarium Building Fund". The expense of procuring said bonds, with coupons attached, shall be paid out of the funds arising from the sale of said bonds.

SEC. 6. For the purpose of creating a fund to pay the interest and principal of said bonds, an annual ad valorem tax of two and one-half (2½) mills on each One Hundred Dollars (\$100) of the assessed valuation of all property in the State not exempt from taxation is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 7. If at any time there should not be sufficient money in the said Idaho State Sanitarium Building Bonds Fund to pay the interest coupons on the principal of such bonds, when due; the State Treasurer shall pay the same out of the general funds of the State, and shall replace the amount so paid, out of the Idaho State Sanitarium Building

Bonds Fund, whenever moneys for said fund shall be received.

SEC. 8. For the payment of bonds herein authorized and the interest thereon, according to the strict terms thereof, the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon, as same shall accrue on the bonds thereby authorized in lawful money of the United States, the Treasurer shall reserve any and sufficient funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the other bonds authorized by the Legislature of Idaho.

SEC. 9. The Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for immediately upon the passage and approval of this Act.

SEC. 10. That at any time after ten (10) years from the issuance of said bonds, whenever there shall be Five Thousand Dollars (\$5,000) of said sinking fund, the Treasurer of the State shall make a call by publication for sixty (60) days in some daily newspaper of this State, notifying all the parties interested that certain bonds of the Idaho State Sanitarium Building Bonds provided by this Act; giving their number, will, at a certain date, be paid at the office of said Treasurer, and the bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 11. That for the purpose of erecting, equipping and managing the said Idaho State Sanitarium, there is hereby created a Board of Directors. Said Board shall consist of three (3) persons appointed by the Governor, by and with the consent of the Senate, and shall hold office for a term of six years, or until their legally appointed successors are qualified; *Provided*: That the members of the first Board shall be appointed for two (2), four (4) and six (6) years, respectively. In case of vacancy in said Board during the recess of the Senate, the Governor shall nominate some fit person to fill such vacancy until the next meeting of the Senate. Before entering upon their official duties, the Directors shall each take and subscribe to the official oath required by law.

SEC. 12. The said Board of Directors shall elect a President, who shall be one of their number, and a Secretary. The President shall preside at meetings and sign all contracts. The State Treasurer shall be an ex-officio treasurer of said Board of Directors. The secretary shall keep a full record of the proceedings of the Board in a book provided for that purpose, and an itemized statement of all accounts and of all expenditures authorized by said Board, and shall perform such other duties as shall pertain to the office and



as shall be required by the Board. A majority of the Board of Directors shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. No member of said Board of Directors shall participate in any proceedings in which he or she shall have personal or pecuniary interests. Every vote and official act of said Board of Directors shall be entered on record.

SEC. 13. That the said Board of Directors shall have power to advertise and receive bids for the building of said Sanitarium, and to let contracts for all work to be done in the erection, construction and equipping of said building, and to hire help and purchase material necessary for the construction, equipment, operation and maintenance of said Sanitarium. They shall keep a strict and accurate account of all moneys disbursed by them in the construction, furnishing and equipping of said Sanitarium, and shall make a report thereof, and of all their contracts and transactions, to the Governor, at the time and manner specified by law, who shall transmit the same to the next succeeding session of the Legislature. Said Sanitarium shall be constructed of brick or stone at a cost to the State not to exceed Twenty-five Thousand Dollars (\$25,000), including the purchase of necessary lands, buildings and equipment thereof.

SEC. 14. The Board of Directors of the Idaho State Sanitarium is hereby authorized and directed to make requisition upon the Warden of the Idaho State Prison for prisoners to labor upon the grounds of said Sanitarium, in clearing, grading, excavating and preparing them for the purposes of the institution, and all other work which may be deemed practicable, and for all brick or stone work necessary to be used in constructing the buildings thereon. The Warden of the Idaho State Prison is hereby authorized and instructed to furnish as many prisoners as may be necessary or practicable to work on said grounds and to manufacture and burn all brick that may be required in the construction of the various buildings as provided in this Act, using prisoners from the penitentiary to perform all labor. The said prisoners shall be under the sole custody and direction of the authorities of the Idaho State Prison while engaged in such labor, and the expenses of extra guards and any other extra expense made necessary by reason of such labor shall be paid for from the appropriation made by this Act.

SEC. 15. Said Board of Directors shall hold four (4) meetings at said Sanitarium annually, but special meetings may be called by the President of the Board, sending written notices, of at least ten (10) days before such meetings,

to each member. The natural and necessary personal expenses for mileage and board incurred by the members of said Board of Directors in carrying out the provisions of this Act shall be paid on proper certificates out of any funds belonging to said Sanitarium in the hands of the Treasurer.

SEC. 16. All funds appropriated for the use and benefit of said Sanitarium from every source shall be under the control and direction of said Board of Directors, subject to the provisions herein contained. The Treasurer of the Board of Directors shall pay out of such funds all orders or drafts for money to be expended under the provisions of this Act. Such orders or drafts shall be drawn by the State Auditor upon certificates of the Secretary, countersigned by the President of the Board of Directors, and shall be approved by the State Board of Examiners. No such certificates shall be given except on accounts audited and allowed by said Board of Directors.

SEC. 17. That when the Idaho State Sanitarium is ready for the reception of inmates, the privileges, powers, duties and obligations of the said Board of Directors herein named, and the mode of government, shall be as follows:

(1) To make by-laws, not inconsistent with the laws of this State, for their own government and the government of the Sanitarium;

(2) To hold stated meetings at the Sanitarium for the transaction of business quarterly, and they may provide in their by-laws for calling special meetings when necessary;

(3) To keep a record of their proceedings open at all times during office hours to the inspection of any citizen;

(4) To elect a Medical Superintendent, to hold his office during the pleasure of the Board;

(5) To receive, take and hold property, both real and personal, in trust for the State and for use and benefit of the Sanitarium;

(6) To visit the Sanitarium once in three (3) months, and keep themselves constantly advised of all items of labor and expense, and the condition of the buildings and the property of the Sanitarium, and they shall have power to make such improvements as, in their judgment, are actually necessary for the care of the inmates. The Board have discretionary power, in case of absolute necessity, to remove patients to the nearest possible safe and appropriate place;

(7) To cause the accounts of the Sanitarium to be so kept and reported as to show the quality, quantity, cost and vendor of every article purchased;

(8) To examine and audit the expenditures for salary of employees, and all other expenses incident to the conduct



of the Sanitarium, and care and maintenance of the patients, and, if approved by them, to certify the same to the Auditor;

(9) To make regulations and fix the terms for the admission of feeble-minded or epileptic persons who are not indigent or who are not residents of the State. All receipts from such source must be paid into the State Treasury;

(10) To make diligent inquiry into the departments of labor and expenses, the condition of the Sanitarium and its property.

SEC. 18. Upon the receipt of each report from the Superintendent of provisions, fuel, and clothing required as hereinafter provided, the Board of Directors must advertise in two (2) newspapers published in the State, for four (4) successive weeks, for contracts for furnishing said supplies, or so much thereof as they deem necessary. The Board may reject any and all bids, and no more than the market price must be paid for any article purchased for the Sanitarium. All contracts awarded must be to the lowest bidder upon his giving satisfactory security for the faithful performance of his contract. Nothing in this Session prevents the Board from purchasing contingent supplies at the lowest market rate until the next semi-annual letting.

SEC. 19. No Director, Superintendent, or employe must be pecuniarily interested in any contract for supplies furnished for the Sanitarium.

SEC. 20. The Directors must each be paid Five Dollars (\$5.00) for each day actually employed, which must include the time employed in traveling to and from the Sanitarium; *Provided:* That no Director shall receive more than One Hundred Dollars (\$100) per annum for diem service, and in performing the necessary visitations required by this Act, and must be re-imbursed for all the necessary expenditures incurred in their official duties; such accounts to be allowed and paid as other accounts against the Sanitarium are allowed.

SEC. 21. The Medical Superintendent must be a graduate in medicine and must have practiced his profession five (5) years after the date of his diploma.

SEC. 22. He must reside at the Sanitarium and give his entire time and attention to promote the best interests of the inmates. His duties, not specified in this Act, must be prescribed by the Board of Directors in their by-laws.

SEC. 23. The Medical Superintendent shall be the chief executive officer of the Sanitarium, with powers and duties as follows:

(1) To control the patients, prescribe the treatment, and

prescribe and enforce the sanitary regulations of the Sanitarium;

(2) With the consent of the Board of Directors, to fix the number and compensation of, and appoint, control and remove the attendants, assistants and teachers;

(3) To prescribe and enforce the performance of the duties of the attendants, assistants and teachers;

(4) To ascertain and report to the Board of Directors the amount, character and quality of provisions, fuel and clothing required for the six (6) months ending on the first of June and December in each year;

(5) With the consent of the Board of Directors to make any expenditure necessary in the performance of his duties, except for provisions, fuel and clothing;

(6) To receive and pay to the State Treasurer all moneys found upon the feeble-minded and epileptic persons received into the Sanitarium;

(7) To keep a daily record of his official acts in mode prescribed by the by-laws;

(8) To make up his annual accounts to the first of July in each year, and, as soon thereafter as possible, to report a statement thereof, and of the general condition of the Sanitarium to the Board of Directors;

(9) He must estimate quarterly in advance, the probable expenses of the Sanitarium, and submit such estimate to the Directors at their stated meetings for their consideration and approval.

SEC. 24. The salary of the Medical Superintendent must be fixed by the Board of Directors.

SEC. 25. He must execute an official bond in the sum of Five Thousand Dollars (\$5000), with two (2) or more sufficient sureties, conditioned that he will faithfully discharge his duties as such officer.

SEC. 26. The salaries and compensation fixed by the provisions of this Act must be paid quarterly.

SEC. 27. The Official bonds required by the provisions of this Act must be approved by the Board of Directors and filed in the office of the Auditor.

SEC. 28. Feeble-minded or epileptic persons received into the Sanitarium must, upon recovery, be discharged therefrom.

SEC. 29. Feeble-minded or epileptic convicts must be received into the Sanitarium and returned to the State Prison again as provided in the Penal Code for the like disposition of insane persons.

SEC. 30. No person laboring under any contagious or in-



fectious disease must be admitted into the Sanitarium as a patient.

SEC. 31. If, at the time of the discharge of a person from the sanitarium, or after the death and burial of any person therein confined, there remain in the custody of the directors or superintendent any moneys paid for the support or maintenance of such person, it must, upon demand, be repaid.

SEC. 32. All feeble-minded persons who are residents of the State, whose defects prevent them from receiving proper instruction and training in the public schools, and all feeble-minded and epileptic persons who are residents of the State, whose defects prevent them from properly taking care of themselves, may be admitted to said institution under such regulations and conditions as the Board of Directors may provide, and the provisions of this Act.

SEC. 33. Whenever it appears by affidavit to the satisfaction of a magistrate of the county that any person within the county is so feeble-minded as to prevent such person from receiving proper instruction and training in the public schools, or that any person within the county is so feeble-minded or epileptic as to prevent such person from properly taking care of himself or herself, he must issue and deliver to some peace officer for service a warrant directing that such person be arrested and taken before any Judge of a Court of record within the county for examination.

SEC. 34. When the person is taken before the Judge, he must issue subpoenas to two or more witnesses, best acquainted with such feeble-minded or epileptic person, to appear and testify before him at such examination.

SEC. 35. The Judge must also issue subpoenas for at least one (1) graduate of medicine to appear and attend such examination.

SEC. 36. At the examination, the persons subpoenaed must appear and answer all questions pertinent to the matter under investigation.

SEC. 37. The physician or physicians must hear such testimony, and must make a personal examination of the alleged feeble-minded or epileptic person.

SEC. 38. The physician or physicians, after hearing the testimony and making the examination, must, if he believes such person to be so feeble-minded as to be unable to receive the proper instruction and training in the public schools, or so feeble-minded or epileptic as to be unable to properly care for himself or herself, make a certificate, under his hand, showing as near as possible:

(1) That such person is so feeble-minded as to be unable to receive the proper instruction and training in the public schools, or so feeble-minded or epileptic as to be unable to properly care for himself or herself;

(2) The premonitory symptoms, apparent cause or class and duration and condition of the defect or disease;

(3) The nativity, age, residence, occupation and previous habits of the person;

(4) The place from whence the person came, and the length of his or her residence in this State.

SEC. 39. The certificate must be made in the form prescribed by, and, if they can be had, upon blanks furnished by the Medical Superintendent of the said Institution.

SEC. 40. The Judge, after such examination and certificate made, if he believes the person to be so feeble-minded as to be unable to receive the proper instruction and training in the public schools, or so feeble-minded or epileptic as to be unable to properly care for himself or herself, must make an order that such person be confined in the Idaho State Sanitarium.

SEC. 41. The feeble-minded or epileptic person, together with the order of the Judge and certificate of the physician, must be delivered to the Sheriff of the county, and, by him, must be delivered to the agent appointed by the Medical Superintendent for the conveyance of such feeble-minded or epileptic person to the said institution. Immediately upon receiving such feeble-minded or epileptic person, together with the order and certificate aforesaid, the Sheriff must immediately notify the Medical Superintendent of the Sanitarium by telegraph, if there be a telegraph communication accessible between the place where such feeble-minded or epileptic person is, and the Sanitarium; if not, then the Sheriff shall notify the Medical Superintendent of the Sanitarium by letter, to be sent not later than one (1) day after the Sheriff receives the order and certificate aforesaid of the facts; and at the time of delivering the order and certificate to the Sheriff, the examining physician or physicians, together with the Judge issuing the order, shall also deliver to the Sheriff a certificate showing whether, in their judgment, one or more persons will be required to convey such feeble-minded or epileptic person to the Sanitarium, and the Sheriff shall inform the Medical Superintendent of the Sanitarium as to such facts at the time of giving the notice in this section provided.

SEC. 42. Any moneys found on the person of a feeble-minded or epileptic person at the time of arrest must be



certified to by the Judge and sent with such person to the Sanitarium, there to be delivered to the Medical Superintendent, who must deliver the same to the State Treasurer. If the sum exceeds One Hundred Dollars (\$100), the excess must be applied to the payment of the expenses of such person while in the Sanitarium; if the sum is One Hundred Dollars (\$100) or less, it must be kept and delivered to the person when discharged, or applied to the payment of funeral expenses if the person dies in the Sanitarium.

SEC. 43. Upon the receipt of the notice from the Sheriff provided for in Section 41 of this Act, the Medical Superintendent must at once designate some person among the employes of the Sanitarium as an agent to transport such feeble-minded or epileptic person to the Sanitarium, and, if it be deemed necessary, he shall designate also from said employees a person to act as the assistant of such agent. Such agent, and assistant, if any be appointed, must at once proceed to the county where such feeble minded or epileptic person is in custody, and demand and receive from the Sheriff such feeble-minded or epileptic person, the order of the Judge and the certificate of the physician, the agent receipting to the Sheriff therefor. The agent must thereupon convey such feeble-minded or epileptic person, together with such order and certificate, to the Sanitarium, and surrender the same to the Medical Superintendent, and the latter shall at once notify the Governor that such feeble-minded or epileptic person has been received at the Sanitarium. The actual and necessary expenses of the agent, his necessary assistant, and of the feeble-minded or epileptic person, when transferred from the custody of the Sheriff to the Sanitarium, must be allowed and paid as other claims against the Sanitarium; but the compensation of the agent and necessary assistant shall be only that allowed them while employed in the Sanitarium.

SEC. 44. The provisions regarding the payment of the fee of the examining physician and the appointment of a guardian for any feeble-minded or epileptic person shall be the same as provided in Sections 782 and 783 of the Revised Codes of Idaho.

SEC. 45. Whenever, in the opinion of the Medical Superintendent of said Institution, an inmate thereof is insane, he shall make an affidavit setting forth the fact and file the same with the Board of Directors of said institution, and such Board of Directors shall summon one or both of the Medical Superintendents of the Idaho Insane Asylum, located at Blackfoot, and the Northern Idaho Insane Asylum, located at Orofino, to examine such alleged case of insanity

and report his or their finding thereon to such Board of Directors, and the Board is hereby authorized, in its discretion, in case such physician or physicians report such inmate to be insane, to make an order transferring such inmate to the Idaho Insane Asylum at Blackfoot, when such person shall have been committed to said Sanitarium from one of the counties within the jurisdiction of the said Idaho Insane Asylum at Blackfoot, and to the Northern Idaho Insane Asylum at Orofino, when such person shall have been committed to said Sanitarium from one of the counties within the jurisdiction of said Northern Idaho Insane Asylum, for care and treatment, and such inmate shall be transferred according to such order.

SEC. 46. All Acts or parts thereof in conflict herewith are hereby repealed.

SEC. 47. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage.

Approved March 4, 1911.

## CHAPTER 42

### AN ACT

AUTHORIZING AND DIRECTING THE STATE BOARD OF EDUCATION TO CAUSE TO BE ERECTED A BUILDING NEAR GOODING, IDAHO, FOR THE USE OF THE DEAF AND BLIND AND AS A PART OF THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND; PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF THIRTY THOUSAND DOLLARS (\$30,000) AND APPROPRIATING THE PROCEEDS THEREOF TO THE ERECTION OF SAID BUILDING; AND PROVIDING FOR A LEVY OF A TAX TO PAY THE PRINCIPAL AND INTEREST OF SAID BONDS; AND DECLARING AN EMERGENCY.

*Be It Enacted By the Legislature of the State of Idaho:*

SECTION 1. That the State Board of Education is hereby authorized and directed to cause to be erected a building near Gooding, Idaho, for the use of the deaf and blind, to be a part of the Idaho State School for the Deaf and the Blind, which building shall be suitable as a dormitory and to contain class rooms and a hospital.

SEC. 2. That, for the purpose of supplying the funds necessary for erecting said building, a loan of Thirty Thousand Dollars (\$30,000) is thereby authorized to be negoti-